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SENSITIVE
SIPDIS

STATE FOR EUR/WE AND EEB/TPP/IPE
STATE PASS USTR FOR D.WEINER
STATE PASS U.S. COPYRIGHT OFFICE FOR M.PALLANTE, M.WOODS
COMMERCE FOR 4212/D.CALVERT
COMMERCE ALSO FOR USPTO

E.O. 12958: N/A

TAGS: [KIPR](#) [WIPO](#) [SP](#)

SUBJECT: WIPO STANDING COMMITTEE MEETING: EXCHANGE OF VIEWS WITH
SPANISH OFFICIAL

¶1. (SBU) Summary: During an October 29 meeting with Spanish Ministry of Culture official Carlos Guervos (septel), senior U.S. Copyright Office official Maria Pallante raised the mid-December meeting of WIPO's Standing Committee on Copyrights and Neighboring Rights (SCCR). The conversation focused on discussions underway in the WIPO SCCR on making copyright-protected materials accessible to the visually impaired. Pallante advised that the U.S. is examining the text of the draft Treaty proposed by Brazil, Ecuador, and Paraguay, including specifically the changes it would require to existing U.S. law, and that the U.S. is seeking public input to determine other possible solutions that would enhance access for the visually impaired in a meaningful way. She suggested that, given the legal and practical complexities of enhancing access, Spain and other countries likewise prepare for the forthcoming SCCR in December by consulting its stakeholders and the broad public.

¶2. (SBU) Pallante noted that the U.S. has a long history of serving the visually impaired community (including through the Library of Congress and other trusted intermediaries), has an effective, codified exception for the visually impaired in the U.S. Copyright Act, and has a great deal of experience in lawfully creating and distributing accessible formats. She commented that these points were understated in press and blog accounts surrounding the May, 2009 SCCR meeting, in favor of more sensational accounts put forth by some NGOs, but that the United States intended to continue its efforts to provide meaningful support to WIPO and the visually impaired community on this issue.

¶3. (SBU) Pallante stated that, like Spain and other countries of the EU, the U.S. does not favor a Treaty as the most effective course of action to improve access, particularly when some of the proponent countries lack national experience in serving the visually impaired and would take years to implement a Treaty. The U.S., she said, recently published its second Federal Register notice on the issue, and suggested that Spain and other countries also conduct a public process to obtain a better grasp of the complexities of the issue and effective and appropriate solutions. (Note: The Federal Register notices and a more complete elaboration of this issue, can be found at www.copyright.gov. End Note.) Guervos replied that the GOS had consulted with the copyright management societies and was also in preliminary conversations with the National Organization of Spain's Blind (ONCE). He intimated that Spain might be able to serve as a bridge between the Brazil-Ecuador-Paraguay position and the position of the U.S. and other countries. Pallante agreed and noted that the U.S. Copyright Office and WIPO have organized an international training on IPR issues pertaining to the visually impaired for developing countries and countries in transition the week of March 8, 2010.

4. (U) Maria Pallante cleared this cable.